THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21097 OF 2006

DATED 23rd OCTOBER, 2006

BETWEEN

Andhra Pradesh Public Health and Medical Employees Union, Khammam repl by its President T.Naraiah

… Petitioner

and

The District Collector, Khammam District, Khammam and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21097 OF 2006

ORDER:

Andhra Pradesh Public Health and Medical Employees Union, Khammam, filed the present writ petition seeking a writ of Mandamus directing the respondents, namely, the Government of Andhra Pradesh, Commissioner of Land Revenue and District Collector, Khammam District, to allot atleast Acs.0.05 cents of land to the petitioner for construction of its own building.

It is the case of the petitioner that the Government of Andhra Pradesh issued orders in G.O.Ms.No.222, dated 29.02.1996, permitting the District Collectors to allot not less than Acs.0.05 cents of site/land for construction of Non-Gazetted Officers (NGO) Homes. The petitioner also alleges that pursuant to the orders of the Government, respondent allotted (i) A.P.Revenue Employees Association; (ii) Civil Assistant Surgeons Association;
(iii) A.P.Drivers Association; (iv) T.N.G.Os.Association;
(v) V.D.Os.Association and (vi) A.P.Panchayat Raj Ministerial Employees Union. The petitioner also states that it is affiliated to INTUC, which was provided a room by the District Collector in the Office of the Mass Media and Information Centre. The petitioner submitted a representation on 09.08.2004 requesting for allotment of Acs.0.05 cents of land, but the same was not considered.

Learned counsel for the petitioner contends that the action of the respondents in not allotting suitable site to the petitioner for its office building is discriminatory. He placed strong reliance on G.O.Ms.No.222, dated 29.02.1996. The counsel clearly admits that though the petitioner is recognized union and affiliated to INTUC, as of right, it cannot seek a Mandamus for allotment of site. He only submits that when different Service Associations were allotted land, the petitioner, which is also placed similarly, is entitled for similar treatment in the matter of allotment of site. **Per contra**, learned Government Pleader for Revenue (General) opposing the writ petition has placed before this Court G.O.Ms.No.393, dated 13.06.2000, by which the Government modified its orders issued in 1996 in support of the contention that as per the Government policy only NGOs

Association is given Acs.0.05 cents of land and all other Service Associations are not entitled for such allotment.

Learned Government Pleader placed before this Court three Government Orders. They are (i) G.O.Ms.No.754, dated 23.12.1995; (ii) G.O.Ms.No.222, dated 29.02.1996 and
(iii) G.O.Ms.No.393, dated 13.06.2000. The said Government Orders are made part of the record. It is necessary to refer to them to appreciate the contention of the learned Government Pleader.

It appears that Government issued orders in G.O.Ms.No.589, dated 10.07.1991, to allot lands for the purpose of construction of NGOs Homes at Taluk and District Headquarters, where such homes are not in existence, subject to availability of lands. In partial modification thereof, the Government issued orders in G.O.Ms.No.754, dated 23.12.1995, permitting District Collectors to allot not less than Acs.0.05 cents of site for construction of NGOs Homes in the area available in the District Offices. In continuation of such orders, again the Government issued G.O.Ms.No.222, dated 29.02.1996 permitting the District Collectors for allotment of not less than Acs.0.05 cents of site for construction of NGOs Homes in the area available at the erstwhile Taluk Headquarters in the premises of Mandal Revenue Offices/Divisional Offices.

It appears number of representations were received by the Government from Teachers' Associations, Class IV Employees' Associations and other Associations for allotment of land for construction of building for the respective Associations in the District Headquarters and Mandal Headquarters. The Government thought it fit to clarify the position and therefore, issued G.O.Ms.No.393, dated 13.06.2000 permitting allotment of land only to NGOs Associations comprising employees of all Departments. It is better to extract the entire G.O.Ms.No.393, dated 13.06.2000 and reads as under.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land – Allotment of land for construction of N.G.Os.Homes for various Associations of Government employees in the State - Orders – Issued.

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REVENUE (ASSN.I) DEPARTMENT

G.O.Ms.No.393 Dated 13.6.2000

Read the following:-

1. G.O.Ms.No.589, Revenue (Assn.III) Deptt., dt.10.7.1991.
2. G.O.Ms.No.754, Revenue (Assn.III) Deptt,

dt.23.12.1995.

3. G.O.Ms.No.222, Revenue (Assn.III) Deptt., dt.29.2.1996.

ORDER:

In the Government order first read above Government, inter alia have issued orders to allot land of not less than 5 cents for the purpose of construction of N.G.Os' Homes at headquarters of erstwhile taluks and District Headquarters where such homes are not in existence, subject to availability of lands. In the Government order 2nd read above, Government have permitted all the District Collectors for allotment of land of not less than 5 cents for construction of N.G.Os' Homes in the areas available in the District Offices. In the Government Order 3rd read above, Government have permitted all the District Collectors for allotment of land of not less than 5 cents for construction of N.G.Os' Homes in the areas available in erstwhile Taluk Headquarters in the premises of M.R.O. Offices and Divisional Offices also.

2. When the above orders are in force, representations have been received from the Teachers Associations, Class IV Employees Associations and other associations for allotment of land for construction of buildings for their respective associations in District Headquarters and Mandal Headquarters as there are no specific orders for allotment of land to them.

3. Government have examined the matter and decide that only N.G.Os' Associations comprising of the employees of all the Departments should be given Government land 0.05 cents each at the rate indicated in the Basic Value Register and that individual service associations like Teachers, Revenue, Panchayat Raj, Roads and Buildings, Police etc., shall not be given Government land. The N.G.Os. of all departments shall not be given Government land within the compounds of Government offices. The land to be allotted shall be outside the Government Office Compounds.

4. All the District Collectors are therefore directed to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SUDHIR
SECRETARY TO GOVERNMENT

To
All the District Collectors.
The Spl.C.S. and Chief Commissioner of Land Administration, A.P., Hyderabad.
Copy to:-
The G.A. (Ser.) Department.

Therefore, by the time the petitioner Association made representation on 09.08.2004, there was no such policy in place, which would entitle the petitioner to claim land for construction of its own building. The question of discrimination cannot be considered for two reasons. Except alleging that as many as six Associations were allotted land in Khammam town, no material is placed before this Court giving particulars. The question of discrimination can be agitated by a person only by placing entire material and evidence to show that the classification of groups or persons is not based on intelligible differentia and that such division has no nexus with the object sought to be achieved. When all the NGOs as a group or members of NGOs Associations, as such recognized by the Government, which is not disputed, it would be unreasonable for the Government to allot land to all the Associations in one place. Therefore, this Court cannot countenance the submission of the learned counsel for the petitioner that the petitioner has been subjected to hostile discrimination.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

23.10.2006.
pln